

Transfer No. 2936

If questions arise, please contact:

Sherl L. Chapman
921 S. Orchard, Suite N
Boise, ID 83705
344-6690

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Water Right No. 37-0060
3-0061
37-0062

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant E. Hadley Stuart, Jr.Phone 788-4002Post Office address P.O. Box 186, Bellvue, ID 83313

A. DESCRIPTION OF RIGHT AS RECORDED

JAN 17 1983

1. Right evidenced by: 37-0060
37-0061

Department of Water Resources
Southern District Office

- a. Decree No. 37-0062 Decreed to Charles M. Black

(Name)

in case of S. C. Frost

vs

Alturas Water Companydated in October 6, 1909 in Fourth District

(Name of court)

county of Blaine & Lincoln

- b. License No. _____ issued by the Idaho Department of Water Resources

- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Purchase of land to which water right is appurtenant.

3. Source of water Big Wood River tributary to Snake River

4. Date of priority 37-0060:7-1-1880/37-0061:7-1-1880/37-0062:7-1-1881

5. Water is used for the following purposes:

37-0060 amount 2.8 for Irrigation purposes from 3-15 to 10-15
37-0061 amount 8.4 for Irrigation purposes from 3-15 to 10-15
37-0062 amount 2.8 for Irrigation purposes from 3-15 to 10-15
(month/day — both dates inclusive)

6. Total amount of water under right: a. 14.0 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 2

Township 1S Range 18E, B.M., in Blaine County

Additional points of diversion, if any NE/4 NW/4 Sec. 2, T1S, R18E, Blaine County

8. Lands irrigated or place of use:

* As per phone conv. with Sherl Chapman 11/8/83 ADH

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1S	18E	10													40		40	40	120
		11									40	40	40	40	40	40			240
		15		40															40

NOV 12 1982

Total number of acres to be irrigated 400

Department of Water Resources
Southern District Office

Describe any other water rights used for the same purpose as described above 37-7838 (Permit)

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 14.0 c.f.s. &/or _____ acre feet
- b. Description of diverting works Headgates, canal and lateral ditches.
- c. Describe the reasons for the proposed changes Redistribution of irrigation works
and to increase flexibility of diversions.

2. Change in point of diversion

* NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 2 T.1S., R18E., B.M. (Black #61)

Point of diversion NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2 Township 1S
Range 18E, B.M., Blaine County
Additional points NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11; SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 10 all in T1S, R18E, Blaine
County

3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
A portion of the land which is presently under irrigation will no longer
be irrigated due to transfer of part of the water right from presently
cultivated lands.

c. Describe the land or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1S	18E	10									16			11	34	14.4	20	33	128.4
		11									38.3	38.1	36.4	38.5	39	28.3			218.6
		15		35	18														53
		10*									16			11	34	14	20	33	128
		11*									38	38	37	39	39	28			219

* Acreages rounded by DRT 5/7/84

Total number of acres to be irrigated 400

4. Describe any other water rights used for the same purpose as described above. None
-
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

[illegible]

SCALE: 2 inches equal 1 mile. Draw plan in ink.

D. REMARKS

Because of changes in irrigation practices in the area, the consolidation of several farms and changes in the Big Wood River channel modification of existing water rights is necessary. The changes described herein more accurately reflect actual irrigation practices and will ease delivery of water by Water District 37.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

E. Haskley Stewart
(Signature of Applicant)

Subscribed and sworn to before me this 11 day of January, 19 83.

Quita D. McHardy
(Notary Public)

My commission expires Lifetime

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0060/0061/0062

and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this right is subject to control by the watermaster of State Water District No. 37, Big Wood River.

Witness my hand this 8th day of May, 19 84

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by mucpa Date 11/12/82 Protest filed by None

Prelim. check by _____ Fee \$20.00

Receipted by mucpa Date 11/16/82 # 23840

Published in Wood River Journal Copies of protest forwarded by _____

Pub. dates 9/29 & 10/6/83 11/24 & 12/1/83 Hearing held by _____ Date _____

Watermaster recommendation requested on 9/21/83 Recommended for approval denial

11/15/83 rec'd. 11/10/83 by ADM gjm DRS

1757

REAL ESTATE MORTGAGE

THIS INDENTURE, Made the 8th day of March, 1971,
between E. HADLEY STUART, JR. and MARION BUTLER STUART,
husband and wife, of Los Angeles, County of Los Angeles, State of
California, the parties of the first part, and HARRY LITTLE BETTIS,
of Gem County, State of Idaho, the party of the second part,

WITNESSETH:

That the said parties of the first part, for and in consideration
of the sum of One Hundred Thousand and No/100 Dollars (\$100,000.00),
lawful money of the United States of America, do by these presents GRANT,
BARGAIN, SELL and CONVEY, unto the said party of the second part, and
to his heirs and assigns FOREVER, all that certain real property situate in
the County of Blaine, and State of Idaho, and bounded and particularly des-
cribed as follows, to wit:

In Township 1 South, Range 18 East, Boise Meridian:

- In Section 10: The South Half ($S\frac{1}{2}$);
- ✓ In Section 11: The North half ($N\frac{1}{2}$), the Southwest quarter ($SW\frac{1}{4}$) and the North half of the Southeast quarter ($N\frac{1}{2}SE\frac{1}{4}$);
- In Section 12: All that portion of the West half of the Northwest quarter ($W\frac{1}{2}NW\frac{1}{4}$) of Section 12 which lies west of U. S. Highway 93;
- In Section 14: The Northwest Quarter ($NW\frac{1}{4}$), and that portion of the Northwest quarter of the Northeast quarter ($NW\frac{1}{4}NE\frac{1}{4}$) of Section 14 described as follows, to wit: Commencing at the north quarter corner of said Section 14, thence South along the half section line 288 feet to a point which is the real point of beginning; thence East 100 feet; thence South 140 feet; thence West 100 feet, more or less, to a point on the north-south half section line of said Section 14; thence North along the half section line 140 feet to the real point of beginning;

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- ✓ In Section 15: The North half ($N\frac{1}{2}$);
In Section 16: The East half of the Northeast quarter
($E\frac{1}{2}NE\frac{1}{4}$);

Together with the tenements, hereditaments and appurtenances unto said described real property belonging or in anywise appertaining, including, but not limited to, all water and water rights, ditches and ditch rights appurtenant to said described lands, and together with all grazing rights and privileges and rights to the use of the public domain for the grazing of livestock, if any such rights or privileges there be, attached to, or for which said described real property stands as commensurate property;

Subject to all patent reservations and all easements and rights of way appearing of record or appearing on said described lands, and subject to taxes and assessments for the year 1966;

This mortgage is a second mortgage and subject to that certain Real Estate Mortgage from E. Hadley Stuart, Jr., and Marion Butler Stuart, husband and wife, to Harry Little Bettis, dated November 15, 1966, recorded December 19, 1966, as Instrument No. 126214, records of Blaine County, Idaho;

THIS GRANT Is intended as a mortgage to secure the payment of the principal sum of \$100,000.00, with interest on the unpaid balance at the rate of $9\frac{1}{2}\%$ per annum payable as follows:

The interest shall be paid in addition to the payments of principal and shall be paid annually on the 26th day of December each year, commencing on December 26, 1971.

as set out in that certain Promissory Note of even date herewith, executed and delivered by the said parties of the first part to the said party of the second part.

AND THESE PRESENTS SHALL BE VOID if such payment be made.

But in case default shall be made in the payment of said principal sum of money, or any part thereof, or the interest thereof, as provided in said note, or if default be made in the performance of any of the covenants,

RECORDED

conditions or agreements, herein contained, then it shall be optional with the said party of the second part, his executors, administrators or assigns, to consider the whole of said principal sum expressed in said note as immediately due and payable; and immediately to enter into and upon all and singular the above-described premises, and to sell and dispose of the same according to law, and out of the money arising from such sale to retain the principal and interest which shall then be due on said promissory note, together with the costs and charges of foreclosure suit, including reasonable attorney's fees and also the amounts of all such payments of taxes, assessments, incumbrances, or insurance as may have been made by said party of the second part, his heirs, executors, or assigns, with the interest on the same, rendering the overplus of the purchase money (if any there shall be) unto the said parties of the first part, their heirs, executors, administrators or assigns.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Mason Butler Stuart

E. Harvey Stuart Jr

MICROFILMED

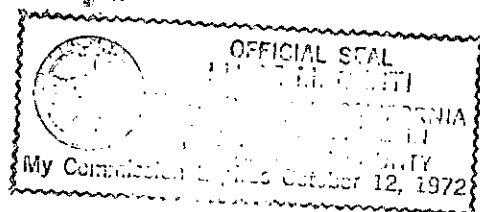
STATE OF CALIFORNIA,)
) ss.
COUNTY OF LOS ANGELES,)

On this 4th day of October 1971, before me, a Notary Public in and for the State of California, personally appeared E. Hadley Stuart, Jr. and Marion Butler Stuart, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Luz M. L. L. L.
Notary Public for California
Residing at:

My Commission Expires: Oct. 12, 1972



MICROFILMED

PROMISSORY NOTE

\$100,000.00

Boise, Idaho

October, 1971.

FOR VALUE RECEIVED, I, we, or either of us promise to pay to HARRY LITTLE BETTIS, or order, at Boise, Idaho, the principal sum of One Hundred Thousand Dollars (\$100,000.00), in lawful money of the United States of America, with interest thereon at the rate of $9\frac{1}{2}\%$ per annum, calculated upon the unpaid balances of said principal sum, payable as follows:

\$60,000.00 on or before December 26, 1977
and the balance of said principal sum, being
the sum of \$40,000.00, on or before December
26, 1978.

The interest shall be paid in addition to the
payments of principal and shall be paid annually
on the 26th day of December each year, commenc-
ing December 26, 1971.

If default be made in the payment of this note, or in any of
the covenants or conditions contained in the mortgage of even date herewith
given as security therefor, the entire principal sum and accrued interest
of this note shall become immediately due and payable at the option of the
holder hereof.

In case suit or action is instituted to collect this note, or
any portion thereof, we agree to pay, besides costs and disbursements
allowed by law, such additional sum as the court may adjudge reasonable
as attorney's fees, in said suit or action.

E. Harley Stuart

Maurice Butler Stuart

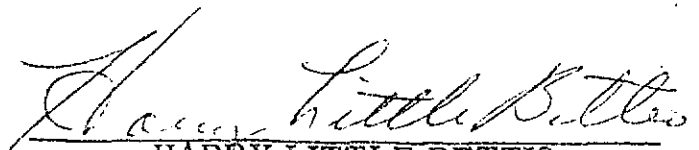
MICROFILMED

SATISFACTION OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS,

That HARRY LITTLE BETTIS, of Gem County, State of Idaho, does hereby certify and declare that a certain mortgage, bearing date of the 8th day of October, 1971, made and executed by E. HADLEY STUART, JR. and MARION BUTLER STUART, husband and wife, of Los Angeles, County of Los Angeles, State of California, the parties of the first part, to HARRY LITTLE BETTIS, of Gem County, State of Idaho, the party of the second part therein, recorded in the office of the County Recorder of the County of Blaine, State of Idaho, in Mortgages, Instrument No. 140731, on the 13th day of October, 1971, together with the debt secured thereby, is fully paid, satisfied and discharged.

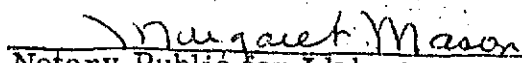
IN WITNESS WHEREOF, the undersigned has hereunto set his hand this 7 day of December, 1971.


HARRY LITTLE BETTIS

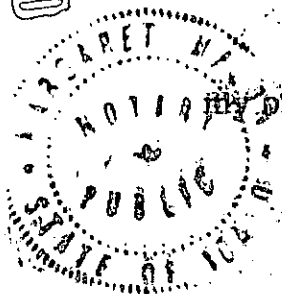
STATE OF IDAHO,)
) ss.
COUNTY OF Ada)

On this 8th day of December, 1971, before me, a Notary Public in and for the State of Idaho, personally appeared Harry Little Bettis, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for Idaho
Residing at: Boise, Idaho

RECORDED



Lawyers Title Insurance Corporation

A Stock Company

Home Office - Richmond, Virginia

POLICY OF TITLE INSURANCE

1957

DATE OF POLICY

AMOUNT

\$ 100,000.00

SCHEDULE A

NAME OF INSURED

October 13, 1971

HARRY LITTLE BETTIS

1. The estate or interest in the land described in this Schedule and which is encumbered by the insured mortgage is:

Fee Simple

2. The estate or interest referred to herein is at Date of Policy vested in:

E. HADLEY STUART, JR., and MARION BUTLER STUART, husband and wife

3. The mortgage, herein referred to as the insured mortgage, and the assignments thereof, if any, are described as follows:

MORTGAGE: From E. Hadley Stuart, Jr., and Marion Butler Stuart, husband and wife, to Harry Little Bettis, recorded October 13, 1971, as Instrument No. 140731, records of Blaine County, Idaho.
TO SECURE: \$100,000.00.

4. The land referred to in this policy is described as follows:

Township 1 South, Range 18 E., B.M., Blaine County, Idaho

Section 10: S $\frac{1}{2}$

Section 11: N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$

Section 12: All that portion of the W $\frac{1}{2}$ NW $\frac{1}{4}$ lying West of U.S. Highway 93.

Section 14: NW $\frac{1}{4}$ and that portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ described as Commencing at the North quarter corner of said Sec. 14; THENCE South along the Half-section line a distance of 288 feet to the real point of beginning; THENCE East 100 feet; THENCE South 140 feet; THENCE

continued on page 2 hereof

Countersigned:
SAWTOOTH TITLE CO., INC.

Issued at: Twin Falls, Idaho

BY: Avery E. Boyd

Authorized Officer or Agent

Page 1—Sched. A—Policy No. S 506138

ORIGINAL

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Lawyers Title Insurance Corporation

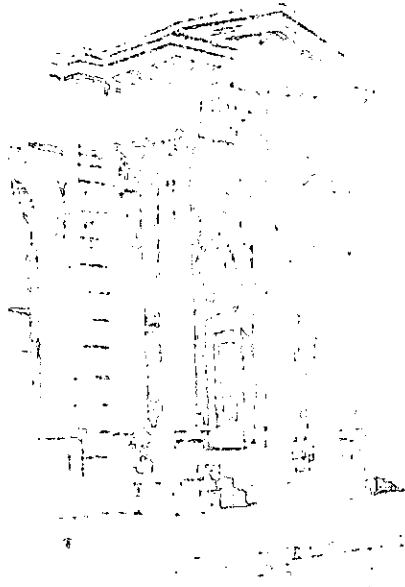
A Stock Company
Home Office ~ Richmond, Virginia

SCHEDULE A cont'd.

West 100 feet to the Half-section line; THENCE North 140 feet to the real point of beginning.

Section 15: N $\frac{1}{2}$

Section 16: E $\frac{1}{2}$ NE $\frac{1}{4}$



Page 2 of Sched. A Pol. No. S 506138

ORIGINAL

Litho in U.S.A.

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho, }
County of Blaine } SS.

GORDON O. CLARK, being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 1 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 1 day of December, 1983, and the date of the last publication was on the 1 day of December, 1983.

Subscribed and sworn to before me this 2nd day of December, 1983.
(SEAL)

Roberta McKee
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Numer of Picas per Line 13
Number of Lines in Notice 72
Number of Insertions 1

72 Lines tabular at _____ 4¢ / Pica
72 Lines straight at 28.00 3¢ / Pica
Subsequent lines at _____ 2¢ / Pica
TOTAL COST 28.00

COPY OF NOTICE

(Paste Here)

Amend. - Not. of Pro. Chng.
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Res. Div.
BILL TO

— AMENDED — NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 37-0060 37-0061 37-0062

NOTICE IS HEREBY GIVEN, That E. HADLEY STUART, JR., of Bellevue, Idaho, has applied to the Department of Water Resources for a change of Point of Diversion and change of Place of Use of rights from Big Wood River tributary to Snake River. The rights sought to be changed are evidenced by decrees to Charles M. Black, in case of S.C. Frost vs. Alturas Water Co., dated October 6, 1909, in Fourth District Court, County of Blaine and Lincoln, and are recorded as follows:

37-0060

Amount: 2.8 cfs
Priority Date: 07/01/1880
Point of Diversion: NE¼SE¼, NE¼NW¼, Sec. 2, T.1S., R.18E., B.M., Blaine County.

The water is used for irrigation of 400 acres from March 15 to October 15 within the E¼SE¼, SW¼SE¼, Sec. 10; SW¼, N¼SE¼, Sec. 11; NW¼NE¼, Sec. 15, T.1S., R.18E.

37-0061

Amount: 8.4 cfs
Priority Date: 07/01/1880
Point of Diversion: Same as 37-0060
Place of Use: Same as 37-0060

37-0062

Amount: 2.8 cfs
Priority Date: 07/01/1881
Point of Diversion: Same as 37-0060
Place of Use: Same as 37-0060

TO BE CHANGED AS FOLLOWS:

Amount: 14.0 cfs
Point of Diversion: NE¼NE¼, NW¼SE¼, (Black #61), Sec. 2; NW¼NW¼, Sec. 11; SW¼NE¼, Sec. 10, T.1S., R.18E., B.M., Blaine County
Place of Use: E¼SW¼, SE¼, Sec. 10; SW¼, N¼SE¼, Sec. 11; W¼NE¼, Sec. 15, T.1S., R.18E., for irrigation of 400 acres from March 15 to October 15.

Any protest against approval of the above-proposed change of the rights described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho 83301, on or before DECEMBER 12, 1983.

A. KENNETH DUNN
Director

Publish: Wood River Journal—
November 24 and December 1 & 8, 1983.

MICROFILMED

ab
mex

AFFIDAVIT OF PUBLICATION

State of Idaho, }
County of Blaine } SS.

GORDON O. GLASMANN, being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 1 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 29 day of Sept.

1983, and the date of the last publication was on the 29

day of Sept., 1983.

Subscribed and sworn to before me this 29th

day of September, 1983.
(SEAL)

Roberta M. Fisher
NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 13

Number of Lines in Notice 68

Number of Insertions 1

68 Lines tabular at _____ 4¢ / Pica

26.52 Lines straight at _____ 3¢ / Pica

Subsequent lines at _____ 2¢ / Pica

TOTAL COST 26.52

COPY OF NOTICE

(Paste Here)

Chng. 37-0600
TITLE OF NOTICE
-0601
-0602

PLAINTIFF ATTORNEY

Hadley Stuart Jr.
DEFENDANT

PLAINTIFF

Dept. Water Resource
BILL TO

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 37-0060 37-0061 37-0062

NOTICE IS HEREBY GIVEN, That E. HADLEY STUART, JR., of Bellevue, Idaho, has applied to the Department of Water Resources for a change of Point of Diversion and change of Place of Use of rights from Big Wood River tributary to Snake River. The rights sought to be changed are evidenced by decrees to CHARLES M. BLACK, in case of S.C. Frost vs. Alturas Water Co., dated October 6, 1909, in Fourth District Court, County of Blaine and Lincoln, and are recorded as follows:

— 37-0060 —

Amount: 2.8 cfs
Priority Date: 07/01/1880
Point of Diversion: NE¼SE¼, NE¼NW¼, Sec. 2, T.1S., R.18E., B.M., Blaine County

The water is used for irrigation of 400 acres from March 15 to October 15 within the E¼SE¼, SW¼SE¼, Sec. 10; SW¼, N¼SE¼, Sec. 11; NW¼NE¼, Sec. 15, T.1S., R.18E.

— 37-0061 —

Amount: 8.4 cfs
Priority Date: 07/01/1880
Point of Diversion: Same as 37-0060
Place of Use: Same as 37-0060

— 37-0062 —

Amount: 2.8 cfs
Priority Date: 07/01/1881
Point of Diversion: Same as 37-0060
Place of Use: Same as 37-0060

TO BE CHANGED AS FOLLOWS:

Amount: 14.0 cfs
Point of Diversion: NE¼NE¼, Sec. 2; NW¼NW¼, Sec. 11; SW¼NE¼, Sec. 10, T.1S., R.18E., B.M., Blaine County

Place of Use: E¼SW¼, SE¼, Sec. 10; SW¼, N¼SE¼, Sec. 11; W¼NE¼, Sec. 15, T.1S., R.18E., for irrigation of 400 acres from March 15 to October 15

Any protest against approval of the proposed change of the rights described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho 83301, on or before OCTOBER 17, 1983.

A. KENNETH DUNN
Director

Publish: Wood River Journal--
September 29 and October 6, 1983.

AFFIDAVIT PUBLICATION

State of Idaho, }
County of Blaine } SS.

Gordon O. Glasman, being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 24 day of November,

1983, and the date of the last publication was on the 1

day of December, 1983.

Subscribed and sworn to before me this 31st

day of January, 1984.

(SEAL)

NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 13

Number of Lines in Notice 72

Number of Insertions 2

Lines tabular at _____ 4¢ / Pica

72 Lines straight at 28.08 3¢ / Pica

72 Subsequent lines at 18.72 2¢ / Pica

TOTAL COST 46.80

COPY OF NOTICE

(Paste Here)

Amended Notice of
Change of Water Right
TITLE OF NOTICE

No. 37-0060, 370061
PLAINTIFF ATTORNEY
37-0062

DEFENDANT

PLAINTIFF

Dept of Water Resources
1041 Blue Lakes Blvd N
Twin Falls

— AMENDED — NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 37-0060

37-0061

37-0062

NOTICE IS HEREBY GIVEN, That E. HADLEY STUART, JR., of Bellevue, Idaho, has applied to the Department of Water Resources for a change of Point of Diversion and change of Place of Use of rights from Big Wood River tributary to Snake River. The rights sought to be changed are evidenced by decrees to Charles M. Black, in case of S.C. Frost vs. Alturas Water Co., dated October 6, 1909, in Fourth District Court, County of Blaine and Lincoln, and are recorded as follows:

37-0060

Amount: 2.8 cfs

Priority Date: 07/01/1880

Point of Diversion: NE¼SE¼, NE¼NW¼, Sec. 2, T.1S., R.18E., B.M., Blaine County.

The water is used for irrigation of 400 acres from March 15 to October 15 within the E¼SE¼, SW¼SE¼, Sec. 10; SW¼, N¼SE¼, Sec. 11; NW¼NE¼, Sec. 15, T.1S., R.18E.

37-0061

Amount: 8.4 cfs

Priority Date: 07/01/1880

Point of Diversion: Same as 37-0060

Place of Use: Same as 37-0060

37-0062

Amount: 2.8 cfs

Priority Date: 07/01/1881

Point of Diversion: Same as 37-0060

Place of Use: Same as 37-0060

TO BE CHANGED AS FOLLOWS:

Amount: 14.0 cfs

Point of Diversion: NE¼NE¼, NW¼SE¼, (Black #61), Sec. 2; NW¼NW¼, Sec. 11; SW¼NE¼, Sec. 10, T.1S., R.18E., B.M., Blaine County
Place of Use: E¼SW¼, SE¼, Sec. 10; SW¼, N¼SE¼, Sec. 11; W¼NE¼, Sec. 15, T.1S., R.18E., for irrigation of 400 acres from March 15 to October 15.

Any protest against approval of the above-proposed change of the rights described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho 83301, on or before DECEMBER 12, 1983.

A. KENNETH DUNN
Director

Publish: Wood River Journal--
November 24 and December 1 & 8,
1983.

37 0053✓	Berry, George	B 30 inches.	230	May 31, 1897.	Little Wood River. + De
37 0051✓	"	90 "	236	May 31, 1898.	" " "
37 0055✓	Best, A. C.	C 10✓	118	June 1, 1886.	Soldier Creek. ✓
37 0056✓	"	90✓	150	June 1, 1888.	" "
37 0057✓	Best, Henry C.	C 130✓	14	Aug. 3, 1883.	" " ✓
37 0058✓	Betts, Frank E.	C 140	300	Aug. 14, 1906.	Big Wood River.
37 0059✓	Big Cottonwood Canal Company	2(?) 9600	247	May 27, 1899.	" " " Trans # 2008
37 0060✓	Black, Charles M.	B 140	✓	July 1, 1880.	" " "
37 0061✓	"	" 420	✓	July 1, 1880.	" " "
37 0062✓	"	" 140	✓	July 1, 1881.	" " "
37 0063✓	Black, William M.	S 100	✓	July 31, 1881.	" " "
37 0064✓	"	" 280	4	May 1, 1883.	" " "
37 0065✓	"	" 385	55	June 15, 1883.	" " " Trans # 104
37 0066✓	"	" 210	31	Dec. 19, 1882.	" " "
37 0067✓	"	" 300	58	June 26, 1883.	" " " Trans # 104
37 0068✓	"	" 80	58	June 26, 1883.	" " "
37 0069✓	"	" 230	125	Oct. 26, 1886.	" " " Trans # 104.
37 0070✓	"	" 100	134	May 15, 1887.	Crystal Creek.
37 0071✓	Blair, Samuel M.	B 100	191	May 1, 1892.	Big Wood River.
37 0072✓	Bliss, D. B.	G 132	94	Apr. 1, 1885.	" " "
37 0073✓	Board, Charles	160 B 200	253	May 31, 1900.	East Fork of Big Wood River.
37 0074✓	"	out 25 cubic ft.	263	July 13, 1901.	East Fork of Big Wood River. (For power purposes.)
37 0075✓	"	out 50 cubic ft.	273	July 26, 1902.	Warm Springs Creek. (For power purposes.)
37 0076✓	"	out 300 cubic ft.	274	Jan. 2, 1906.	Big Wood River. (For power purposes.)
37 0077✓	Boardman, Thos. G.	C 200 inches.	123	July 15, 1886.	Hix's Creek, or Boardman's Creek.
37 0078✓	Book, Henry	L 90	71	Apr. 15, 1884.	Little Wood River. Trans # 233
37 0079✓	"	95	72	May 1, 1884.	" " " Trans # 233
37 0080✓	Bolin, Samuel	L 160	278	Oct. 20, 1902.	Big Wood River.

May 9, 1984

RE: Transfer of Water Right Nos. 37-0060/0061/0062

E. Hadley Stuart, Jr.
Box 186
Bellevue, ID 83313

Dear Mr. Stuart:

Enclosed is a copy of your approved Application for Transfer of the above referenced water rights (Transfer No. 2936). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

DAVID R. WUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: ADM

1. Right number 37-0060
37-0061 Applicant STUART, JR., E. Hadley
37-0062
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____

4. Check:

- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- b. ☒ Description of original point of diversion. Not Listed in Decree ✓
- c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

- a. ☒ All of right(s)
- ~~b.~~ ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- d. ☒ Check description of point(s) of diversion. see below
- e. ☒ Check description of place of use.
- f. ☒ Check map (shows p.d. and p.u. after transfer).
- g. ☒ Check for correct signature, notarization, and fee.
- g. ☒ Check proof of ownership of right &/or land from which water is transferred. See attached Documents
- h. ☒ Check for expansion in use of right. Comments Appears to be none

☒ Check for existing water rights from same source, on land water is being transferred to.
37-7828 - Groundwater

Right number(s) 37-0577 being transferred to adjacent lands

☒ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? 37 - Big Wood River

FINAL PROCESSING REVIEW BY: _____

☒ Watermaster recommendation requested on 9/15/83 Received on 11/18/83
Amended
2/21/83

2. Is transfer published correctly? ☒ Yes ☐ No

3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

☒ Approve

☐ Deny

Conditions* OIE, 05(37 Big Wood River)

4. By ADM Date 2/27/84

RECEIVED

MAR 02 1984

Department of Water Resources

* Water Master Records Show

All of these rights are delivered to
Sturcut

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 37-0060
37-0061

37-0062

RECOMMENDATION OF WATERMASTER

RECEIVED

NOV 13 1983

Department of Water Resources
Southern District Office

I, Reid J Newby, watermaster of Big Wood River,
of Water District No. 37, County of Blaine, State of Idaho,
whose address is Box T Shoshone, Idaho 83352
have read the attached copy of the application for transfer of water right for
E. Hadley Stuart, Jr., and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: Since Correction NONE

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons:

Dated at Shoshone, Idaho, this 16 day of November 19 83.

RECEIVED

Reid J Newby
(signature)

Please use reverse side if needed.

AMENDED NOTICE OF PROPOSED CHANGE OF WATER RIGHT

37-0060

37-0061

37-0062

Notice is hereby given that E. Hadley Stuart, Jr., of Bellevue, Idaho has applied to the Department of Water Resources for a change of point of diversion and change of place of use of rights from Big Wood River tributary to Snake River. The rights sought to be changed are evidenced by decrees to Charles M. Black in case of S. C. Frost vs Alturas Water Co., dated October 6, 1909 in Fourth District Court county of Blaine and Lincoln, and are recorded as follows:

37-0060

Amount: 2.8 cfs

Priority: July 1, 1880

Point of Diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 2, T1S, R18E, B.M., Blaine County

The water is used for irrigation of 400 acres from March 15 to October 15 within the E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10; SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 11; NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15, T1S, R18E

37-0061

Amount: 8.4 cfs

Priority: July 1, 1880

Point of Diversion: Same as 37-0060

Place of Use: Same as 37-0060

37-0062

Amount: 2.8 cfs

Priority: July 1, 1881

Point of Diversion: Same as 37-0060

Place of Use: Same as 37-0060

TO BE CHANGED AS FOLLOWS:

Amount: 14.0 cfs

Point of Diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, (Black #61),
/Sec. 2; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11; SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, T1S, R18E,
B.M., Blaine County

Place of Use: E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 10; SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 11; W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 15, T1S, R18E
for irrigation of 400 acres from March 15 to October 15

Any protest against approval of the proposed change of the rights described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301, on or before December 12, 1983.

A. KEN DUNN - Director

Published in Wood River Journal on November 24 and December 1, 1983.

RECORDED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES SOUTHERN REGION

John V. Evans
Governor

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

C. Stephen Allred
Director

November 15, 1983

Reid J. Newby
Watermaster District 37
Box T
Shoshone, Idaho 83352

Re: Application for Transfer of Water Right No. 37-0060)
37-0061)
37-0062)

Dear Mr. Newby:

Enclosed is a copy of an Application for Transfer of a Water Right within your District, and Watermaster's Recommendation Form.

Section 42-222 of the Idaho Code requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form and return it to this office.

Processing of the application can be completed in 20 days, so your prompt response to this request will be appreciated.

If you have any questions about the application, please contact this office or the applicant.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Encl:

RECEIVED
NOV 16 1983



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

November 15, 1983

Wood River Journal
P. O. Box 988
Hailey, Idaho 83333

Re: Amended Notice of Proposed Change of Water Right No. 37-0060)
37-0061)
37-0062)

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Mary A. Newby
Sec/Office Coord.

Encl:

MICROFILMED

NOV 1983

Sherl L. Chapman

CONSULTANT

410 S. ORCHARD / SUITE 144 / BOISE, IDAHO 83705 / PHONE 344-6690

November 11, 1983

Mr. Allen Merritt
Department of Water Resources
1041 Blue Lakes Blvd., North
Twin Falls, Idaho 83301

RECEIVED

NOV 14 1983

Department of Water Resources
Southern District Office

Dear Mr. Merritt:

Enclosed you will find a re-advertising fee for applications for transfer #37-0060 through #37-0062. It is my understanding this fee is necessary in order to re-advertise the applications for transfer filed in behalf of Hadley Stuart, Jr. because of confusion between the State office and Mr. Reid Newby, Watermaster, over the location of the Black 61 diversion. The original point of diversion was located based on information from Mr. Newby but apparently he was not sure and now he and the State office have decided that the Black 61 diversion is in some other legal subdivision. I hope this finalizes any action necessary to complete the applications for transfer and a completion of Mr. Stuart's water rights activities.

If you have any questions, please give me a call.

Sincerely yours,

Sherl L. Chapman
Sherl L. Chapman
Consultant

SLC:kje
enclosure
cc:Mr. Hadley Stuart, Jr.

SPECIALIST IN

GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 37-0060

37-0061 437-0062

RECOMMENDATION OF WATERMASTER

RECEIVED

SEP 30 1983

Department of Water Resources
Southern District Office

I, Reid Newby, watermaster of Big Wood River,
of Water District No. 37, County of Blaine, State of Idaho,
whose address is Box T Shoshone, Idaho 83352
have read the attached copy of the application for transfer of water right for
E. Hadley Stuart, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: That there be a means of control and measuring
device installed at all diversion points and watermaster have
access to the points of diversion,

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Shoshone, Idaho, this 29 day of September 19 83.

Reid J. Newby
(signature)

Please use reverse side if needed.

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Allen Mewitt

DATE 9/28/83

TO File 37-0060 - 37-0061 37-0062

SUBJECT This day I talked with Steve Chapman and he informed me of the discrepancy of the P/D log for Black #61 hardgate. Because of this I phoned the Wood River Journal and requested that the 2d be cancelled.

RECEIVED

AM

SIGNATURE

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

37-0060
37-0061
37-0062

Notice is hereby given that E. Hadley Stuart, Jr., of Bellevue, Idaho has applied to the Department of Water Resources for a change of point of diversion and change of place of use of rights from Big Wood River tributary to Snake River. The rights sought to be changed are evidenced by decrees to Charles M. Black in case of S. C. Frost vs Alturas Water Co., dated October 6, 1909 in Fourth District Court county of Blaine and Lincoln, and are recorded as follows:

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Amount: 2.8 cfs

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37-0061

Amount: 8.4 cfs

Priority: July 1, 1880

Point of Diversion: Same as 37-0060

Place of Use: Same as 37-0060

37-0062

Amount: 2.8 cfs

Priority: July 1, 1881

Point of Diversion: Same as 37-0060

Place of Use: Same as 37-0060

TO BE CHANGED AS FOLLOWS:

Amount: 14.0 cfs

Point of Diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11; SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, T1S, R18E, B.M., Blaine County

Place of Use: E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 10; SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 11; W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 15, T1S, R18E for irrigation of 400 acres from March 15 to October 15

Any protest against approval of the proposed change of the rights described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301, on or before October 17, 1983.

A. KEN DUNN - Director

Published in Wood River Journal on September 29 and October 6, 1983.

RECEIVED
SEP 29 1983

OK
9/29/83
AS



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

September 22, 1983

Wood River Journal
P. O. Box 988
Hailey, Idaho 83333

Re: Notice of Proposed Change of Water Right No. 37-0689A
37-0071

Gentlemen:

37-0060)
37-0061)
37-0062)

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Mary A. Newby
Sec/Office Coord.

Encl: 3

RECEIVED
SEP 27 1983



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

September 21, 1983

Reid J. Newby
Watermaster District 37
Box T
Shoshone, Idaho 83352

Re: Application for Transfer of Water Right No. 37-0689A, 37-0071 and 37-0060)
37-0061)
37-0062)

Dear Mr. Newby:

Enclosed is a copy of an Application for Transfer of a Water Right within your District, and Watermaster's Recommendation Form.

Section 42-222 of the Idaho Code requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form and return it to this office.

Processing of the application can be completed in 20 days, so your prompt response to this request will be appreciated.

If you have any questions about the application, please contact this office or the applicant.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Encl:

MICROFILMED